

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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In re )

Consolidated Request By The WCS )  
Coalition For Waiver Of Wireless )  
Communications Services (WCS) )  
Construction Rule )

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DA 06-1009

WT Docket No. 06-102

To: The Wireless Telecommunications Bureau

**COMMENTS**

DigitalBridge Communications, LLC (“DBC”) supports the limited extension of the Wireless Communications Services (“WCS”) substantial service deadline requested by the WCS Coalition and WCS Wireless, LLC (collectively, the “Petitioners”).<sup>1</sup> DBC also urges the Federal Communications Commission (“Commission”) to expeditiously adopt rules governing the operation of terrestrial repeaters in the satellite Digital Audio Radio Service (“SDARS”) so that any regulatory uncertainty that is preventing WCS equipment development and WCS broadband deployment, especially to underserved areas, can be eliminated.

With the exception of certain exciting WCS trial deployments as described below, the Commission’s delay in adopting appropriate rules for SDARS has prevented meaningful progress in utilizing the precious WCS resource. WCS licensees have clearly suffered because they have not been able to meaningfully utilize and monetize their spectrum assets. But the real victims are American consumers and businesses in neglected markets where broadband

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<sup>1</sup> See *WCS Coalition Consolidated Request for Limited Extension of Deadline for Establishing WCS Compliance with Section 27.14 Substantial Service Requirement* (filed March 22, 2006) (“*WCS Coalition Petition*”). See also FCC Public Notice, “*Wireless Telecommunications Bureau Seeks Comment On Consolidated Request By The WCS Coalition*”

service and broadband choice are not available. DBC looks forward to working with WCS licensees to ensure that deployments to these market segments occur at the earliest possible time.

## **I. BACKGROUND.**

DBC's mission is to bring affordable broadband to remote communities on the wrong side of the digital divide, places where broadband service and broadband choice are desperately needed. DBC intends to partner with a number of WCS licensees whose focus is to serve urban areas within their WCS geographic service areas ("GSAs"). DBC will provide the complementing broadband service to the outlying, rural and underserved areas within the GSAs. DBC sees the value and promise in the WCS band, especially for remote areas, and is frustrated that more has not been done to enable deployments.

DBC's management has in-depth experience in providing broadband access to underserved markets and decades of experience in the communications industry. In recent years, the DBC management team built OnePoint Communications, which became Verizon Avenue -- a wholly-owned subsidiary of Verizon Communications. Each company provided bundled communications services to concentrated communities nationwide, including underserved and remote communities. DBC's management led Verizon Avenue to extend broadband to four important market segments: military housing, rural and underserved areas, affordable housing and Native American reservations. These often-neglected markets are precisely the markets DBC intends to serve with WCS spectrum through its partnerships with WCS licensees.

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*For Waiver Of Wireless Communications Services (WCS) Construction Rule," DA 06-1009, WT Docket No. 06-102 (rel. May 10, 2006).*

DBC has the ability, experience, and economic model to provide scalable, low cost broadband communications solutions, and the dedication to bring those solutions to truly underserved markets. DBC stands ready, willing and able to begin needed WCS deployments whenever and wherever WCS licensees are prepared to move forward and suitable equipment is available. The Commission can provide WCS licensees with the confidence to move forward with deployments by providing the interference protection that is needed and justified.

**II. AFTER NINE YEARS OF EXAMINING HOW TO PROTECT WCS FROM SDARS INTERFERENCE, THE COMMISSION MUST FINALLY ADOPT RULES SO THAT MEANINGFUL DEPLOYMENTS CAN OCCUR, ESPECIALLY IN UNDERSERVED AREAS.**

**A. The Time To Resolve Harmful Interference From SDARS To WCS Is Now.**

The Commission must bring its focus and attention to expedite adoption of rules that will protect WCS deployments from SDARS interference. The Commission has been examining how to address SDARS interference to WCS operations since 1997.<sup>2</sup> With the exception of a few public notices seeking to refresh the record, little progress has been made. Since 2001, SDARS repeaters have been authorized nationwide through grant of Special Temporary Authorizations, which has created an untenable situation for WCS licensees. It is unconscionable that the regulatory certainty necessary for wide-scale WCS deployments has not materialized in the nine years that have elapsed since WCS spectrum was first licensed.

The Commission has the power and authority to encourage WCS deployments, especially to remote, underserved and economically depressed areas, by adopting rules that

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<sup>2</sup> See *Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band*, Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 12 FCC Rcd 5754 (1997).

protect WCS deployments from SDARS interference. The Commission should take all necessary action to conclude the SDARS – WCS proceeding as quickly as possible.

**B. Opportunities To Serve Remote And Neglected Communities Free From SDARS Interference May Exist In Each GSA, But The Lack Of Reliable Interference Protection Has Stymied Progress.**

As the *WCS Coalition Petition* makes clear, WCS broadband service has been offered on a trial basis to rural and remote markets where SDARS repeaters presently do not reside. These opportunities likely exist in remote areas of every large WCS geographic service area. DBC is committed to partnering with WCS licensees to identify these opportunities, which will benefit not only the licensees but, also, residents of communities where the digital divide is widening and new delivery models for broadband services are urgently needed. Even in these remote areas, however, WCS deployments are not protected from future SDARS repeater deployments and associated interference. Thus, the Commission must quickly eliminate the threat posed by SDARS interference so that trial WCS deployments can become permanent, and wider-scale deployments over WCS spectrum can be made possible.

DBC is encouraged by the efforts of BellSouth, AT&T, Comcast, Verizon and Metricom who have already deployed trial WCS systems in underserved areas despite regulatory uncertainties. These trials have provided the vendor community with essential information to guide the development of WCS equipment for broadband services.<sup>3</sup> Of equal importance, these trials were of immeasurable benefit to residents of underserved markets where broadband penetration and broadband deployment lag behind urban and suburban areas.

BellSouth, in particular, should be commended for its WCS broadband trials in Palatka and Deland, Florida.<sup>4</sup> These markets, which the *WCS Coalition Petition* characterize as rural

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<sup>3</sup> *WCS Coalition Petition* at 10.

<sup>4</sup> *Id.* at 5, n.12.

and economically-depressed, are precisely the communities that desperately need broadband deployments and are the focus of DBC. According to the *WCS Coalition Petition*, BellSouth chose these rural communities because, at this time, interference from terrestrial SDARS repeaters would not be an issue. BellSouth also deployed WCS broadband in New Orleans after Hurricane Katrina through carefully designing its system in a limited geographic area that was not susceptible to SDARS interference. These deployments, while needed and novel, are not protected from SDARS interference. Regulatory certainty is needed so that these types of deployments can continue.

Moreover, the trial WCS deployments described above utilized pre-WiMax proprietary technology that is not economically viable. Deployments to rural and underserved areas will clearly benefit from the availability of equipment from a broad equipment supplier ecosystem. Ultimately, this will bring about the economies of scale that are necessary to make rural deployments successful. Resolution of the SDARS interference issue will clear the path for standards-based WCS equipment at affordable price points, which is critical for the success of the rural business case.

### **III. CONCLUSION.**

Every party to this proceeding agrees that WCS spectrum presents a significant opportunity for deployment of advanced and innovative broadband services to both urban and rural areas. The time for resolving SDARS interference to WCS operations is now. The Commission should grant Petitioners a limited extension of time for WCS substantial service demonstrations in order to conclude the SDARS rulemaking and provide sufficient time to plan and implement deployments. Most importantly, however, the Commission should immediately focus on adopting rules that will resolve SDARS interference to WCS operations. WCS

licensees have clearly begun to design broadband services to respond to market demand in rural, remote and underserved areas, but these important efforts, which DBC hopes to be a part of, cannot continue until the FCC takes measures to protect WCS deployments from harmful SDARS interference.

Respectfully submitted,

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June 9, 2006